



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

**The LANE Construction Corporation
Penobscot County
Hermon, Maine
A-173-71-I-R/A (SM)**

**Departmental
Findings of Fact and Order
Air Emission License**

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., § 344 and § 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

1. The LANE Construction Corporation (Lane) located in Hermon, Maine has applied to renew their Air Emission License, permitting the operation of their hot mix asphalt plant.
2. Lane has requested an amendment to their license in order to:
 - a. Replace the previous asphalt plant (#41 Plant) with a new portable drum plant (Drum Plant #70);
 - b. Increase the fuel limit for the asphalt plant and associated tank heater from 511,000 gal/year to 750,000 gal/year;
 - c. Add two diesel generators;
 - d. Remove the two previously licensed generators;
 - e. Decrease the fuel limit for the generators from 120,000 gal/year to 91,000 gal/year; and
 - f. Add two crushers.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
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PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
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B. Emission Equipment

Asphalt Plant

<u>Equipment</u>	<u>Process Rate</u> (tons/hour)	<u>Design Capacity</u> <u>Firing Rate</u>	<u>Control</u> <u>Devices</u>	<u>Date of</u> <u>Manufacture</u>
Drum Plant #70	300	100 MMBtu/hr, #2 Fuel Oil and Spec Waste Oil	Baghouse	2008

This equipment replaces the previously licensed #41 Plant.

Heating Equipment

<u>Equipment</u>	<u>Maximum</u> <u>Capacity</u> (MMBtu/hr)	<u>Maximum</u> <u>Firing Rate</u> (gal/hr)	<u>Fuel Type</u>
HYCO 200	2.0	14.6	#2 Fuel Oil

This equipment replaces the previously licensed AC Tank Heater.

Diesel Units

<u>Source ID</u>	<u>Max. Capacity</u> (MMBtu/hr)	<u>Max. Firing Rate</u> (gal/hr)	<u>Fuel Type</u>
CAT 5408	8.8	64.4	Diesel Fuel, 0.05% S
CAT 3516	15.9	116.3	Diesel Fuel, 0.05% S

This equipment replaces the previously licensed generators. Those generators have been moved to License #A-90. Lane also has a small (<0.1 MMBtu/hr) Night Generator which is an insignificant activity and noted here for completeness purposes only.

Rock Crushers

<u>Designation</u>	<u>Process Rate</u> (tons/hour)	<u>Date of</u> <u>Manufacture</u>	<u>Control Device</u>
SECSANH48	300	2008	Spray Nozzles
TER1260AC	300	Pre-1973	Spray Nozzles

These are new units.

C. Application Classification

The modification of a minor source is considered a major modification based on whether or not expected emission increases exceed the "Significant Emission Levels" as defined in the Department's regulations. The emission increases are determined by subtracting the current licensed emissions preceding the modification from the maximum future licensed allowed emissions, as follows:

<u>Pollutant</u>	<u>Current License</u> <u>(TPY)</u>	<u>Future License</u> <u>(TPY)</u>	<u>Net Change</u> <u>(TPY)</u>	<u>Sig. Level</u>
PM	4.2	7.1	+2.9	100
PM ₁₀	4.2	7.1	+2.9	100
SO ₂	27.7	37.3	+9.6	100
NO _x	40.9	28.7	-12.2	100
CO	25.6	25.8	+0.2	100
VOC	7.2	5.6	-1.6	50

This modification is determined to be a renewal with a minor modification and has been processed per *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005).

II. BEST PRACTICAL TREATMENT

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in 06-096 CMR 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Asphalt Plant

The drum mix asphalt plant was manufactured in 2008 and is therefore subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt Facilities manufactured after June 11, 1973.

The drum mix asphalt plant fires #2 fuel oil and specification waste oil with a sulfur content not to exceed 0.7%. Fuel use for the asphalt plant and the HYCO 200 combined shall not exceed 750,000 gallons per calendar year. Records of fuel use shall be kept on a 12-month rolling total basis.

To meet the requirements of Best Practical Treatment (BPT) and NSPS for the control of particulate matter (PM) emissions, the drum mix asphalt plant shall vent to a baghouse. Opacity from the asphalt batch plant baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

Based on the above hot mix asphalt plant process rate, the maximum emission rate from the asphalt baghouse shall be limited to 0.03 grs/dscf (11.91 lb/hr).

The performance of the baghouse shall be constantly monitored by either one of the following at all times the drum mix asphalt plant is operating:

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

Lane may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

Lane may process up to 5,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Virgin oil processing shall be done at a mixture of no greater than 30% contaminated soil to 70% clean aggregate mix. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 CMR 409 (last amended

June 16, 2006). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Virgin oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.

Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

C. HYCO 200

The HYCO 200 is an asphalt tank heater associated with the drum mix asphalt plant.

A summary of the BACT analysis for the HYCO 200 is the following:

1. The total fuel use for the HYCO 200 and drum mix asphalt plant combined shall not exceed 750,000 gal/year of #2 fuel oil and specification waste oil with a sulfur content not to exceed 0.7%. Records of fuel use shall be kept on a 12-month rolling total basis.
2. The PM and PM₁₀ limits are derived from 06-096 CMR 103.
3. NO_x emission limits are based on data from similar #2 oil fired equipment of this size and age.
4. CO and VOC emission limits are based upon AP-42 data dated 9/98.
5. Visible emissions from the boilers shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average in a continuous 3-hour period.

D. Generators

The CAT 5408 and CAT 3516 are utilized primarily to provide power to the facility.

Both generators were manufactured prior to April 1, 2006 and are therefore not subject to New Source Performance Standards 40 CFR Part 60, Subpart IIII,

Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

A summary of the BACT analysis for CAT 5408 (910 kW) and CAT 3516 (1600 kW) is the following:

1. The total fuel use for the generators shall not exceed 91,000 gallons per calendar year of diesel fuel with a maximum sulfur content not to exceed 0.05% by weight. Records of fuel use shall be kept on a 12-month rolling total basis.
2. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended July 4, 1999) regulates fuel sulfur content, however in this case a BACT analysis for SO₂ determined a more stringent limit of 0.05% was appropriate and shall be used.
3. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
4. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
5. Visible emissions from CAT 5408 and CAT 3516 shall each not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

E. Rock Crushers

The SECSANH48 rock crusher is a portable unit which was manufactured in 2008 with a rated capacity of 300 ton/hr. The SECSANH48 rock crusher is therefore subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983, with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants.

The TER1260AC rock crusher is a portable unit with a rated capacity of 300 ton/hr. This crusher was manufactured prior to 1973 and therefore is not subject to NSPS, Subpart OOO.

The regulated pollutant from the rock crushers is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate matter (PM) emissions from the rock crushers, Lane shall maintain water sprays on the rock crushers and operate as needed to control visible emissions. Visible emissions from the rock crushers shall be limited to no greater than 10% opacity on a six (6) minute block average basis.

F. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

G. General Process Emissions

Visible emissions from a general process (including conveyor belts) shall not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period.

H. Facility Emissions

Lane shall be restricted to the following annual emissions, based on a calendar year:

Total Licensed Annual Emissions for the Facility
(used to calculate the annual license fee)

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Drum Plant & Heater	6.3	6.3	37.0	8.7	20.5	5.0
Generators	0.8	0.8	0.3	20.0	5.3	0.6
Total TPY	7.1	7.1	37.3	28.7	25.8	5.6

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>TPY</u>
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the total facility licensed emissions, Lane is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-173-71-I-R/A, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions. [06-096 CMR 115]
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive

dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]

- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. § 353. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and

C. submit a written report to the Department within thirty (30) days from date of test completion.

[06-096 CMR 115]

(12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:

A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and

B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

(13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]

(14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]

(15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall

prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) **Drum Mix Asphalt Plant**

- A. Emissions from the hot mix asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BACT]
- B. The performance of the baghouse shall be constantly monitored by either one of the following at all times the drum mix asphalt plant is operating [06-096 CMR 115, BACT]:
 - 1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
 - 2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.
- C. To document maintenance of the baghouse, the licensee shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BACT]
- D. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- E. General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]
- F. Emissions from the drum mix asphalt plant baghouse shall not exceed the following [06-096 CMR 115, BACT]:

<u>Pollutant</u>	<u>grs/dscf</u>	<u>lb/hr</u>
PM	0.03	11.91
PM ₁₀	-	11.91
SO ₂	-	70.50
NO _x	-	16.50
CO	-	39.00
VOC	-	9.60

- G. Lane may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit

may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. [38 MSRA §608-A, and 06-096 CMR 115, BACT]

- H. Lane may process up to 5,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Virgin oil processing shall be done at a mixture of no greater than 30% contaminated soil to 70% clean aggregate mix. Processing of virgin oil contaminated soils may require a solid waste processing facility license under MEDEP Chapter 409. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]
- I. Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]
- J. When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]
- K. The drum mix asphalt plant is subject to 40 CFR Part 60 Subparts A, and I and Lane shall comply with the notification and recordkeeping requirements of 40 CFR Part 60.7.

(17) HYCO 200

- A. Emissions shall not exceed the following [06-096 CMR 115, BACT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
HYCO 200	0.24	0.24	1.41	0.60	0.07	0.01

- B. Visible emissions from HYCO 200 shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 115, BACT]

(18) **Generators**

A. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
CAT 5408	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
CAT 3516	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

B. Emissions shall not exceed the following [06-096 CMR 115, BACT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
CAT 5408	1.06	1.06	0.45	28.26	7.51	0.79
CAT 3516	1.91	1.91	0.82	50.98	13.54	1.43

C. Visible emissions from CAT 5408 and CAT 3516 shall each not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

(19) **Fuel Limits**

- A. Total fuel use for the drum mix asphalt plant and HYCO 200 combined shall not exceed 750,000 gallons per year of #2 fuel oil and specification waste oil, with a sulfur content not to exceed 0.7% by weight. [06-096 CMR 115, BACT]
- B. Total fuel use for the generators combined shall not exceed 91,000 gallons per year of diesel fuel with a sulfur content not to exceed 0.05 % by weight. [06-096 CMR 115, BACT]
- C. Compliance with the fuel limits shall be demonstrated by fuel records from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. A log shall also be maintained recording the quantity and analyzed test results of all specification waste oil fired. Records of annual fuel use shall be kept on a 12-month rolling total basis. [06-096 CMR 115, BACT]
- D. Fuel use records and receipts shall be maintained for at least six years and made available to the Department upon request. [06-096 CMR 115, BACT]

(20) **Rock Crushers**

- A. Lane shall install and maintain spray nozzles for particulate control on the SECSANH48 and TER1260AC rock crushers and operate them as necessary

to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [06-096 CMR 115, BACT and 06-096 CMR 101]

- B. Lane shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]
- C. Lane shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

(21) New Source Performance Standards for rock crushers

- A. The SECSANH48 rock crusher is subject to 40 CFR Part 60 Subparts A and OOO and Lane shall comply with the notification and record keeping requirements of 40 CFR Part 60.676 and Part 60.7, except for Section (a)(2) of 60.7 per Subpart OOO, §60.676(h).
- B. Lane shall have an initial performance test performed on the rock crushing operation per the applicable sections of 40 CFR Part 60, Subpart OOO, §60.675. This consists of a certified Method 9 observation. The performance test shall be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. Lane shall submit a test notice to the regional inspector at least 30 days prior to the performance test. Any rescheduled test requires a 7 day notice to the regional inspector.

(22) Stockpiles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(23) General Process Sources

Visible emissions from any general process source shall (including conveyor belts) not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101 and 06-096 CMR 115, BPT]

(24) Equipment Relocation [06-096 CMR 115, BPT]

- A. Lane shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

- (25) Lane shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]

(26) **Annual Emission Statement**

In accordance with *Emission* Statements, 06-096 CMR 137 (last amended November 8, 2008), the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

- 1) A computer program and accompanying instructions supplied by the Department; or
- 2) A written emission statement containing the information required in 06-096 CMR 137.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017 Phone: (207) 287-2437

The emission statement must be submitted by the date specified in 06-096 CMR 137.

The LANE Construction Corporation
Penobscot County
Hermon, Maine
A-173-71-I-R/A

Departmental
Findings of Fact and Order
Air Emission License

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- (27) Lane shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605-C].

DONE AND DATED IN AUGUSTA, MAINE THIS 14th DAY OF May, 2009.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Little
DAVID P. LITTLE, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 3/11/09

Date of application acceptance: 3/13/09

Date filed with the Board of Environmental Protection: _____

This Order prepared by Lynn Ross, Bureau of Air Quality.

